

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number

VE 7, Standards of Practice and Unprofessional Conduct for Veterinarians

3. Subject

Creating referral and delegation rules for veterinary complementary, alternative, and integrative therapies

4. Fund Sources Affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input checked="" type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

☐ Yes ☒ No

9. Policy Problem Addressed by the Rule

The Veterinary Examining Board ("VEB") administers ch. 89, Stats., as well as the administrative rules in VE 1-10, Wis. Adm. Code. There is a current definition, in s. VE 1.02 (3m), Wis. Adm. Code, of veterinary complementary, alternative, and integrative therapies ("CAITs"). However, that definition does not specify how these CAITs are to be treated within the practice of veterinary medicine. There have been numerous requests made to the VEB from veterinarians, certified veterinary technicians, and members of other licensed professions to clarify the referral relationship that a veterinarian may have with these other professionals, and the delegation to certified veterinary technicians, for the provision of CAITs upon a veterinarian's animal patients.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule change is anticipated to affect all licensed veterinarians, some certified veterinary technicians, and other Wisconsin-licensed professionals who have education, training, and experience in practicing complementary, alternative, and integrative therapies on animals. This rule change is anticipated to have an effect on small business, as many veterinarian practices and other licensed professionals, subject to this proposed rule change, practice within small businesses.

11. Identify the local governmental units that participated in the development of this EIA.

Local governmental units are not impacted by this rule and did not participate in development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule is expected to have no substantial adverse economic and fiscal impact.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule is anticipated to have a positive impact for veterinarians, certified veterinary technicians, and other Wisconsin-licensed professionals, as it clarifies the steps a veterinarian shall use to make a referral to another professional for CAITs and the delegation for these CAITs to certified veterinary technicians under the veterinarian's

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supervision. The VEB has received many requests for just this type of guidance from veterinarians, other professions practicing these therapies, and certified veterinary technicians in Wisconsin. The alternative is to do nothing and have uncertainty in the professions as to the extent that a veterinarian may make a referral to another licensed professional, or delegate to a certified veterinary technician, for the provision of therapies that the veterinarian believes will potentially be of benefit to their animal patients, given that CAITs are within the statutory definition of the practice of veterinary medicine.

14. Long Range Implications of Implementing the Rule

The expectation by those advocating for the rule change is that it will result in greater use of complementary, alternative, and integrative therapies as additional tools for the benefit of animals and their owners.

15. Compare With Approaches Being Used by Federal Government

There are no federal regulations governing the practice of veterinary medical surgeries.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois's veterinary medicine and surgery practice act defines CAITs very similarly to the current definition in s. VE 1.02(9), Wis. Adm. Code. The act specifically allows a member in good standing of another licensed or regulated profession within any state or an Illinois-approved member of an organization or group to provide hands-on active participation in the treatment and care of a patient, within a veterinarian-client-patient relationship and with informed consent from the client, so long as the member works under the supervision of the veterinarian. The veterinarian maintains the veterinarian-client-patient relationship, but is immune from civil and criminal liability for the member's assistance, except for willful and wanton conduct. The other professional may not state or imply in any way that they are licensed or engaging in the practice of veterinary medicine.

Iowa's and Michigan's veterinary statutes and rules do not address this issue.

Within Minnesota's practice of veterinary medicine act, there is a provision that specifically states that the act does not prohibit a licensed chiropractor from registering with its chiropractor board and performing animal chiropractic on animals that have been referred to the chiropractor by a veterinarian.

17. Comments Received in Response to Web Posting and VEB Response

There were some comments, in the initial posting for economic impact, from some persons who practice equine massage therapy, but are not licensed as massage therapists in Wisconsin. Some expressed concern that veterinarians would no longer be able to refer clients to an unlicensed massage therapist practicing equine massage therapy. While the rule clarifies that the referral by a veterinarian is only to a licensed professional, this is because CAITs are already currently within the statutory definition of the practice of veterinary medicine and only a referral to another licensed professional or delegating within the established VCPR comports with the statutory language. However, this rule does make clear that it does not interfere with the relationship between any animal owner and a person the owner chooses to perform a CAIT on the owner's animal.

<h4>17. Contact Name</h4> <p>Cheryl Daniels, VEB Legal Counsel</p>	<h4>18. Contact Phone Number</h4> <p>(608) 224-5026</p>
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ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The comments from the EIA posting indicate that at least some persons practicing massage therapy on animals, particularly horses, may be impacted because they would be required to become licensed massage therapists in order to establish a referral relationship with veterinarians. However, it is unclear how many of these persons will be affected. In addition, the proposed rule clarifies that it does not impact the relationship between an animal owner and the person they may select to perform a CAIT on the animal.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

This rule was developed with the assistance of a VEB-appointed rules advisory committee that included five Wisconsin-licensed veterinarians, two Wisconsin-certified veterinary technicians, two Wisconsin-licensed members of other professions who provide complimentary, alternative, or integrative therapies on animals, two public members, and a VEB member as a liaison to the Board. The committee looked at practices in other states, consulted with veterinary medical groups, and brought expertise on the use of these CAITs in assisting animals for their health and well-being. The committee also listened to comments from stakeholders at their meetings

In addition, the comments from the website posting were considered before the proposed rule was completed.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☒ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

While there was consideration for exempting animal massage therapy from the referral requirements, the exemption was rejected due to the statutory language, concerning the practice of veterinary medicine, which does not give an exemption.

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5. Describe the Rule's Enforcement Provisions

The rule will only be enforced if there is a well-founded complaint against a veterinarian, for not following the referral requirements or supervisory requirements, is established.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No
